APPENDIX — SPECIAL USE ORDINANCE

SPECIAL USES

§ 15.153.08.130 OBJECTIVES

Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of uses and locations requiring this special consideration, the specific conditions under which each use may be permitted must be considered. These uses are specifically listed in 15.153.08.134. Conditions for the approval of a special use are enumerated in 15.153.08.132.

§ 15.153.08.131 SPECIAL USES AS SECONDARY CLASSIFICATIONS

Special uses are secondary classifications. If land is approved by the Board of Zoning Appeals for a special use, the special use designation shall be placed on the zoning map in addition to its primary zoning classification.

§ 15.153.08.132 PROCEDURE

(A) A person desiring a special use classification must submit an application to the Board of Zoning Appeals at the Area Plan Commission Office. The application must contain a site plan showing the following:

(1) The proposed use of the land.

(2) The location and size of all buildings and structures, including signs.

(3) The location of streets, access drives, and off-street parking and loading facilities.

(4) Buffer landscaping and required green area.

(5) Any other plans or specification which the staff of the Area Plan Commission deems necessary.

(B) "After receipt of the application, the Board of Zoning Appeals shall conduct a public hearing pursuant to IC 36-7-4 for which 12 days prior notice has been given by the applicant by certified mail, return receipt requested, to abutting property owners and to the public by legal advertisement. Also, no less than 12 days prior to the hearing, a notice containing the date, time, place, and purpose of the hearing must be posted conspicuously on the property by the petitioner. Should the petitioner fail to comply with the notice requirements, as provided by this section, before the second regular meeting of the Board of Zoning Appeals following the date said petition is filed, the petition shall be withdrawn by the Board of Zoning Appeals and the time limits imposed by Section 15.153.10.166 shall apply. After public hearing, the Board of Zoning Appeals shall make its determination for approval, denial, or modification of the Special Use classification based on the following criteria:"

(1) Whether the specific site is an appropriate location for the use.

(2) Whether the use as developed will adversely affect the surrounding area.

(3) Whether there will be nuisance or serious hazard to vehicle, pedestrians, or residents.

(4) Whether adequate and appropriate facilities will be provided for proper operation of the use.

(5) Whether the use is in harmony with the Evansville and Vanderburgh County Comprehensive Plan.

(6) Whether the use is essential or desirable to the public convenience and welfare.

(C) The Board of Zoning Appeals approval or modification of a Special Use classification may include whatever reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest including the following:

(1) Greater front, side, and rear yards than the minimum for the area.

(2) More off-street parking and screening.

(3) Modification of exterior design or materials.

(4) Limitations on the lot coverage and occupancy of the building or structure.

(5) Limitations on signs and sign coverage.

(6) Time limitations.

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(D) To protect the public interest and to ensure compliance with requirements to be included in the site plan, the Board of Zoning Appeals may require whatever evidence and guarantees are necessary to assure compliance with conditions, limitations, and temporary uses.

(E) In addition to all the other limitations and provisions contained in the Zoning code, S.U. 32 shall be limited as follows:

(1) No identifying or business sign shall be erected or placed on any site for which a S.U. 32 has been granted by the Board of Zoning Appeals.

(2) Except for the shipment and receipt of goods, products or items necessary for the S.U. 32 the use shall not be visible from the exterior of the premises.

(3) The maximum time for which the first S.U. 32 may be granted is two years from the date of approval; thereafter, a subsequent grant of a S.U. 32 or for the same parcel of property for the same use shall be for such length of time as approved by the Board of Zoning Appeals.

(4) No person or persons may be employed in the S.U. 32 home occupation at the site other than the resident (or residents) of the site for which the S.U. 32 has been granted.

(5) The use may not be varied from the specified home occupation or home catering service identified by the applicant for which it is granted.

§ 15.153.08.133 DISCONTINUANCE OF SPECIAL USE

(A) If a special use is abandoned for one year or has not been established within one year after the date granted, the special use classification shall be null and void.

(B) A special use may not be altered to become any use other than that approved by the Board of Zoning Appeals.

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§ 15.153.08.134 LIST OF SPECIAL USE DESIGNATIONS

The following uses are subject to the requirements of this subchapter:

USE	**SU**
Schools	1
Churches and church-operated incidental/accessory facilities (on same site), including Sunday schools, child care, preschools, adult day care, offices, soup kitchens, shelters, and similar uses	2
Hospitals, nursing homes, convalescent or custodial care centers	3
Golf courses and golf driving ranges (excluding miniature golf)	4
Charitable and philanthropic institutions	5
Cemeteries, mausoleums, columbaria, or crematoria	6
Public parks or public recreational facilities	7
Mobile home parks	8
Land or structure used for the storage of junk or salvage; business selling principally junk or salvage	9
Parking lots and parking garages open to the public	10
Bus or railroad passenger stations, garages, or lots	11

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USE	**SU**
Airports or heliports	12
Electronic message boards and/or signs with flashing, moving, rotating or intermittent lights, or animated messages	13
Public buildings and public uses other than permitted uses	14
Utility installations, including but not limited to electric power or steam generating plants, radio or television towers	15
Stadiums, auditoriums, or arenas	16
Sale of gasoline except in all districts where specifically permitted	17
One-operator barber or beauty shops in the residence, resident-occupied and resident-operated	18
Mineral extraction, storage, and processing, limited to that reasonably related to the preparation for sale of the type of mineral primarily extracted from the site (limited processing shall not include the refining of oil products)	19
Sanitary landfills, including garbage dumping	20
Livestock sales or auctions, stockpens	21
Animal breeding and raising for fur production or experimental use	22

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USE	**SU**
Gun clubs, skeet shoots, or target ranges	23
Private recreational use	24
Use Group 19	25
Mobile offices, not for living or sleeping quarters	26
Uses desiring outside storage, displays, or sales	27
Resident-occupied and resident-operated preschools, adult day care facilities or similar operations which keep up to 12 persons on a daily basis, but not including 24-hour care	28
Massage parlors	29
Colleges and universities	30
Accessory living quarters clearly complementary to main use and not for rental purposes	31
Home occupations not specifically listed in §15.153.04.069 (subject to the additional requirements listed in §15.153.08.132(E)	32
Owner-occupied/owner-operated bed and breakfast facility or boarding house limited to five rental rooms	33
Owner-occupied/owner-operated bed and breakfast facility or boarding house limited to ten rental rooms	34

Appendix

§ 15.153.08.135 Time Limits

The time limits established in 15.153.10.166 shall apply to special use permits.

§ 15.153.08.136 Limitations on Special Uses

Only those special uses which are indicated on Table S.U. which follows this section shall be permitted in the zoning districts indicated by the table.

TABLE S.U.

SU	AG	R-1	R-2	R-3	R-4	R-5	CO-1	CO-2	C-1	C-2	C-3	C-4	WR	W-I	M-1	M-2	M-3	F-1	PUD	CON	AIR
1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
2	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	
3	X				X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	
4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5	X				X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	
6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
8	X				X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	
9														X	X	X	X				
10	X	X	X	X	X	X	X	X	X	X			X					X	X	X	X[1]
11											X	X	X	X	X	X	X		X	X	
12	X				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
13									X	X	X	X		X	X	X	X				
14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
15	X	X[2]	X[2]	X[2]	X[2]	X[2]	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

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SU	AG	R-1	R-2	R-3	R-4	R-5	CO-1	CO-2	C-1	C-2	C-3	C-4	WR	W-I	M-1	M-2	M-3	F-1	PUD	CON	AIR
16	X				X	X	X	X	X	X	X	X	X	X	X	X	X		X		
17									X				X	X		X	X				
18	X	X	X	X	X	X	X	X													
19	X																X			X	
20	X													X	X	X	X			X	
21	X											X		X	X	X	X	X		X	X
22	X											X		X	X	X	X	X		X	X
23	X											X		X	X	X	X	X		X	X
24	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X
25	X											X	X		X	X				X	
26							X	X	X	X	X	X	X	X	X	X	X				
27									X	X	X	X									
28	X	X	X	X	X	X						X	X	X	X	X	X	X	X	X	X
29												X		X	X	X	X				
30	X				X	X		X	X	X	X	X	X						X		
31	X								X	X	X	X	X	X	X	X	X		X	X	
32	X	X	X	X	X	X															
33				X																	
34					X	X															

1. Parking lots only, no building(s) permitted in AIR districts.

2. All but generating plants.